JS 44
(Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

AARON PETIT
ELIZABETH PETIT
19656 Henry Road
Fairview Park, OH 44126

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF *Cuyahoga*
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Fairview Board-Ejucabiol Dist.
Nylajean R. McDaniel
Cary Wagner
James Haumesser

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT *Cuyahoga*
(IN U.S. PLAINTIFF CASES ONLY)
2077 Lorain Fairview OH

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Avery Friedman
Ken Myers   701 City Club Bldg
Savek Moore   Cleve, OH 44114

ATTORNEYS (IF KNOWN)

1:01CV2338

JUDGE O'MALLEY

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

MAG. JUDGE BAUGHMAN

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reapportionment
☐ 120 Marine	☐ 310 Airplane	☐ 362 Personal Injury — Med. Malpractice	☐ 620 Other Food & Drug		☐ 410 Antitrust
☐ 130 Miller Act	☐ 315 Airplane Product Liability		☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 423 Withdrawal 28 USC 157	☐ 430 Banks and Banking
☐ 140 Negotiable Instrument		☐ 365 Personal Injury — Product Liability			☐ 450 Commerce/ICC Rates/etc.
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability	☐ 630 Liquor Laws	**PROPERTY RIGHTS**	☐ 460 Deportation
☐ 151 Medicare Act	☐ 330 Federal Employers' Liability		☐ 640 R.R. & Truck	☐ 820 Copyrights	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)	☐ 340 Marine	**PERSONAL PROPERTY**	☐ 650 Airline Regs.	☐ 830 Patent	☐ 810 Selective Service
	☐ 345 Marine Product Liability	☐ 370 Other Fraud	☐ 660 Occupational Safety/Health	☐ 840 Trademark	☐ 850 Securities/Commodities/ Exchange
☐ 153 Recovery of Overpayment of Veteran's Benefits		☐ 371 Truth in Lending	☐ 690 Other		☐ 875 Customer Challenge 12 USC 3410
☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	**LABOR**	**SOCIAL SECURITY**	
☐ 190 Other Contract	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	☐ 710 Fair Labor Standards Act	☐ 861 HIA (1395ff)	☐ 891 Agricultural Acts
☐ 195 Contract Product Liability	☐ 360 Other Personal Injury			☐ 862 Black Lung (923)	☐ 892 Economic Stabilization Act
			☐ 720 Labor/Mgmt. Relations	☐ 863 DIWC/DIWW (405(g))	☐ 893 Environmental Matters
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**		☐ 864 SSID Title XVI	☐ 894 Energy Allocation Act
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate Sentence	☐ 730 Labor/Mgmt. Reporting & Disclosure Act	☐ 865 RSI (405(g))	☐ 895 Freedom of Information Act
☐ 220 Foreclosure	☐ 442 Employment	**HABEAS CORPUS:**	☐ 740 Railway Labor Act		☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 230 Rent Lease & Ejectment	☐ 443 Housing/ Accommodations	☐ 530 General		**FEDERAL TAX SUITS**	
☐ 240 Torts to Land		☐ 535 Death Penalty	☐ 790 Other Labor Litigation	☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 950 Constitutionality of State Statutes
☐ 245 Tort Product Liability	☐ 444 Welfare	☐ 540 Mandamus & Other	☐ 791 Empl. Ret. Inc. Security Act		☐ 890 Other Statutory Actions
☐ 290 All Other Real Property	☒ 440 Other Civil Rights	☐ 550 Civil Rights		☐ 871 IRS — Third Party 26 USC 7609	
		☐ 555 Prison Condition			

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

1st Amendment

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE _____ DOCKET NUMBER _____

DATE 10/4/01

SIGNATURE OF ATTORNEY OF RECORD

62889

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I.   Civil Categories: (Place an X in <u>one category only</u>).

     1. (✓)   General Civil

     2. (   )   Administrative Review/Social Security

     3. (   )   Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE:_____

                              CASE NUMBER:_____

II.   <u>RELATED OR REFILED CASES</u>. See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is (   ) RELATED to another PENDING civil case. This action is (   ) REFILED pursuant to LR 3.1.

If applicable, please indicate on the CIVIL COVER SHEET (form JS-44) in section VIII, the name of the Judge and case number.

III.   In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at anyof the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1)   <u>Resident defendant</u>. If the defendant resides in a county within this district, please set forth the name of such county_____ *COYAHOGA*_____ COUNTY.
<u>Corporation</u> **For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.**

(2)   <u>Non-Resident defendant</u>. If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.
_____ COUNTY.

(3)   <u>Other Cases</u>. If no defendant is a resident of this district, or if the defendant is a corporation not having a principal place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.
_____ COUNTY.

IV.   The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

<u>EASTERN DIVISION</u> -

(✓) AKRON   (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
(✓) CLEVELAND   (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
(   ) YOUNGSTOWN   (Counties: Columbiana, Mahoning and Trumbull)

<u>WESTERN DIVISION</u>

(   ) TOLEDO   (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, VanWert, Williams, Wood and Wyandot)

revised April 1997